

1 THE COUNTY OF MAUI
2 MAUI REDEVELOPMENT AGENCY

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7 REGULAR MEETING

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14 Held at the Maui Redevelopment Agency conference room, 1980

15 Main Street, Unit 3, Wailuku, Maui, Hawaii, commencing at

16 1:00 p.m. on Friday, February 16, 2007.

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24 REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

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1 ATTENDANCE

2 Maui Redevelopment Agency Board

3 Regular Meeting

4 February 16, 2007

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6 COMMISSION PRESENT:

7 MARK RICKARD, CHAIRMAN

8 LLOYD POELMAN, VICE-CHAIR

9 DOUG McLEOD

10 RONALD KAWAHARA

11

12 STAFF PRESENT:

13 WAYNE STEEL, MANAGER

14 JOHN D. KIM, DEPUTY CORPORATION COUNSEL

15 ALSO PRESENT:

16 JOCELYN PERREIRA, WAILUKU MAIN STREET ASSN,

17 TRI-ISLE RESOURCE CENTER

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2 MAUI REDEVELOPMENT AGENCY
3 TRANSCRIPT OF PROCEEDINGS

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5 CHAIRMAN RICKARD: I'd like to call the February
6 16, 2007 meeting of the Maui Redevelopment Agency to order.
7 The first item on the agenda is the approval of the January
8 19, 2007 meeting minutes.

9 COMMISSIONER POELMAN: Move to approve the
10 minutes.

11 COMMISSIONER McLEOD: Second.

12 CHAIRMAN RICKARD: All in favor?

13 (A chorus of ayes).

14 Moving down to item, C just an announcement. We
15 were going to put on the agenda public testimony. Testimony
16 will be limited to three minutes per testifier. At two
17 minutes, 30 seconds a 30 second notice will be given. With
18 the recommendation of any member an additional three minutes
19 may be granted. That was just for your information. Item

20 D, I believe, is the next one.

21 MR. STEEL: Yes.

22 COMMISSIONER POELMAN: I'm sorry, just for the

23 record on that C, my recollection is at the last meeting we

24 decided that that would be at the Chairman's discretion and

25 it wouldn't be a rule change.

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1 CHAIRMAN RICKARD: It is not a rule change, but
2 we'll put it on the agenda at the Chairman's discretion just
3 so I won't forget. Item D, Wailuku Mini-Park design. I
4 believe, that has been pushed back.

5 MR. STEEL: It's rescheduled to the March 16th
6 meeting. I will distribute the plans that have been
7 developed by Kirk Tanaka, and Carl Peters. The department's
8 Parks and Recreation planner will be along with Kirk to
9 present that design and get comments from the MRA and the
10 public.

11 COMMISSIONER McLEOD: They're not really parking
12 spaces that we're losing, but how many people are actually
13 parking there now that are going to have to go out in the
14 street. I wonder, is there a way that we could ask to
15 figure that out, because that's the one question about all
16 this, is where are all those people going to park now?

17 MR. STEEL: It's definitely a concern, and I don't
18 know where they're going to park. It's something we can ask
19 Kirk Tanaka, how many spaces they're actually removing.

20 CHAIRMAN RICKARD: I think Kirk would be the best
21 to answer that when they come in. Other than that, item E,
22 John Rippy's corner, the corner of Market and Vineyard, that
23 property. We will just hold on to that to see if he shows
24 up, and we will move down the agenda for now.
25 So that brings us to item F, Wailuku Main Street

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1 Association, Tri-Isle Resource Center report. Jocelyn.

2 MS. PERREIRA: Good afternoon, Chair Rickard.

3 Good morning, Commissioners. My name is Jocelyn Perreira.

4 I'm the Executive Director Tri-Isle Main Street program

5 coordinator. It is our understanding that the presentation

6 of the Tourist Treasures Open Air Market will be made later

7 today, but there is no plan to review at this point, is that

8 correct?

9 MR. STEEL: Not until Mr. Rippy presents it. It's

10 just informational. It's just informational only, and then

11 at a later time we will receive comments. It was not a

12 formal application.

13 MS. PERREIRA: The other thing is this Wailuku

14 Mini-Park design, Wayne, you and I had talked about it. It

15 is unclear if this is the same design that they had in the

16 works. Did you get a clarification?

17 MR. STEEL: Everyone had plans, including

18 yourself, next month. They weren't able to come today and

19 you will see exactly what it entails.

20 MS. PERREIRA: I guess I want a clarification,
21 because we did make a review of what had been previously
22 presented. I just want to be clear that this is not just to
23 update you, because there's been some time. Is there some
24 new element on this?

25 CHAIRMAN RICKARD: I believe the plans have been

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1 revised from the original. It's the same concept, but I
2 believe it's slightly revised as far as the planters.

3 MS. PERREIRA: If we can just get that forwarded
4 to us as well so that we have our information for you, and
5 we will bring our original recommendations just so you have
6 it for reference for the next meeting.

7 I just wanted to say that we have been working
8 very hard on trying to move forward some of the
9 long-standing programs. We've had some detailed discussions
10 with some of our committees. As you know, this is February,
11 and January is very hard to get everybody cranked up from
12 the holidays of December.

13 But the one thing I will put forth to the Maui
14 Redevelopment Agency is that our organization is deadly
15 serious on moving forward the municipal parking lot, a
16 multi-use sensitively designed project, and anything we can
17 do to assist you with that, we are fully prepared to go
18 forward.

19 At the last meeting I guess Mr. Steel informed the

20 MRA that he had some discussions with the administration,
21 and she wanted them to come back and take another crack and
22 another look at the design. And I do want to offer you not
23 only our assistance but to let you know that we are ready to
24 commence that, that relooking at another time. Some of that
25 is bringing back to the drawing board original concepts that

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1 were submitted that we feel has been more widely accepted by
2 perhaps the administration and the Council as well.

3 We are concerned that this be an effort that's
4 both administration and Council almost simultaneously,
5 because part of what we've identified have been difficulties
6 in the past is when one segment sort of leads and they're
7 not, you know, in other words, one of the things we thought
8 was that all of the stakeholders and all of the people that
9 were going to make this possible needed to be in the same
10 room to be having the same discussion so that we all know
11 we're going down the same path. And I think that's kind of
12 our situation that we are kind of staying focused on.

13 As far as project reviews, we have met with the
14 doctors from Maui Medical Group regarding the Twin Tower
15 project, and they wanted to get some input and feedback from
16 us on I guess the viability for Wailuku's future. And some
17 of our statistical information gave them a good feeling of
18 the peaks and valleys in Wailuku, and the fact that Wailuku
19 really has the potential to have a very firm, solid future.

20 So I know that they're working on trying to get together
21 some kind of concept. First they've got to get their
22 doctors I guess to agree, and it was encouraged that they
23 come and bring that concept. I personally encouraged them
24 to bring that concept to the Maui Redevelopment Agency so
25 you guys could have input into it as well.

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1 The reason why I stress that was because
2 oftentimes a project has the propensity of people wanting to
3 take a project immediately to the Planning Department or
4 immediately to the administration or Council or what have
5 you, and in this particular area, since you are the
6 authoritative body, I think it's really important that you
7 folks have some input at the front end as well. So I just
8 wanted to make you aware of that.

9 We are working with Alexa Betts Bassinger on that
10 Wailuku dot com website, and we do have a section on the
11 website that we will be participating, not on a monthly
12 basis, but at least a quarterly basis, so we can bring
13 people up to speed with some of the current things that's
14 out and about and on its way.

15 The last thing I want to report at this meeting is
16 you folks didn't really discuss it, but we are aware that
17 the general plan is doing an advisory plan document, the
18 countywide policy document for the general plan, and we have
19 been asked to share some of our Main Street perspectives.

20 We will be talking to the GPAC members about the small towns
21 in general, but one of the things that we will be supporting
22 and promoting is the fact that some of these different areas
23 have unique circumstances and there are agencies in place
24 that may be able to help and assist to make these things
25 happen. So we wanted to at least let you folks know that we

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1 will be trying to bring them up to speed and inform them of
2 the great partnership that they have with the Maui
3 Redevelopment Agency via HRS 53 in order to accomplish some
4 of the goals of revitalization.

5 The reason why in looking at the policy now,
6 policy is the general overall statement, it's not the
7 specifics. The specifics will go into the Maui Island Plan.
8 But the overall policy is very important to contain a strong
9 statement in support of small towns, and that's one of the
10 things we wanted, to make sure that we can play a role to
11 make sure that that's supportive of small towns, including
12 Wailuku.

13 That completes my report, except Wayne did call me
14 about we have on the marketing -- I almost forgot, I'm
15 sorry, the marketing aspects of your budget. There is a
16 grant for us to do a brochure, an historic brochure of the
17 Iao Theatre, and that is something that we plan to undertake
18 sometime in April, the beginning of April. We had received
19 assurances from the Office of Economic Development that

20 because of the new transition that the grant was not
21 something that had to be done immediately, that we could
22 wait to let the people who are new and getting into place to
23 get their bearings, and then proceed to get it done. But we
24 will give you a report on that sometime in April. Thank
25 you.

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1 CHAIRMAN RICKARD: Do the members have any
2 questions, comments? Thank you, Jocelyn.

3 MS. PERREIRA: Thank you.

4 CHAIRMAN RICKARD: Going back to item E, Mr. Rippy
5 is here. Do you want to make your presentation?

6 MR. RIPPY: Thanks. Aloha, folks. I thought I'd
7 be last, not first. My name is John Rippy, I'm a
8 businessman in Wailuku, and I kind of like have been looking
9 around Wailuku and I didn't have any more plans. I thought
10 I was out of business on Market Street. And then I was
11 standing there talking to someone, it was about 11:30 in the
12 afternoon, and there was nobody on the street. We looked
13 that way, there was just nobody. So then we looked down the
14 street and there was one lady getting into her car. She was
15 coming out of the Bungalow. This person said it seemed like
16 Wailuku was in a slump. I happened to be standing across
17 the street from the banyon tree, and when I saw that it just
18 came to me this possibility that I could do something with
19 that banyan tree.

20 So I looked in the Wailuku Redevelopment Area
21 Zoning and Development Code and I looked at page 11.
22 Actually, I read the whole thing. But then I ran across
23 page 11 and it says that an open air market could come into
24 Wailuku town. Page 11 says, "open air markets and outdoor
25 areas set aside for the display and sale of products located

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1 on private property," and that's private property there.
2 And the examples are farmers markets, crafts fairs, street
3 and sidewalk markets, other similar activities.

4 Then I went on to page 35, 30.08.080 outside open
5 air market. It says open air markets shall be subject to
6 the following conditions. No permanent structures,
7 facilities or encroachments are affixed to the sidewalk, no
8 business products advertising, and so forth and so on. And
9 then I went a little further, and then on page 43 it says
10 that outside open air markets, as far as parking
11 requirements, that I wouldn't have to have any parking
12 requirements if I am within 400 feet of a public parking lot
13 with more than 150 stalls.

14 Now, to me, it was a good idea to bring something
15 like this to Wailuku. I'm still a part of Wailuku shell
16 LLC. We still have that bus, but there's just no place to
17 bring people to with the bus into Wailuku. So we were
18 thinking, I was thinking that it would be a good thing to
19 have an open air market there.

20 I talked to the Betts house, and they would allow
21 under that banyan tree that we could put a small stage where
22 we could have a hula halau up there three days a week when
23 the ship comes in, Mondays, Wednesdays and Fridays. So we
24 could bring the people up from the pier, bring them up to
25 the Tourist Treasures Marketplace, open air marketplace.

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1 We put a little small fence around there right
2 now, and we were putting stepping stones around there. And
3 then I was talking with Joe Alueta and Wayne Steele getting
4 some ideas how these booths could look. So what we were
5 thinking is like all the facades around Wailuku town we
6 could take and build the booths and then put facades up that
7 sort of mimic Wailuku town. All these structures would be
8 non-permanent, all of them have wheels on them.

9 Here is a side view. We would use T1-11, then we
10 would use battens. It would be 8 inches on center. On the
11 bottom it would have wheels similar to these wheels here
12 (indicating). These are good heavy duty wheels that we
13 would put on so they wouldn't be permanent. And we have a
14 roofing material, it's called Endura. It's actually kind of
15 environment friendly kind of roofing material. It's
16 simulated corrugated roofing, but it's supposedly made out
17 of tires, made out of recycled tires. So this would be what
18 the roofing material on those roofs would be, so it would
19 look like a corrugated roof. Here are some photos off of

20 their website.

21 I think that it would just be a good way to kick
22 start Wailuku again. I mean, you know, along with what
23 everybody else is doing. I've been in Wailuku a long, long,
24 long time, and I have to say that I've stayed here, I
25 haven't been jumping around, just Wailuku. And every time I

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1 think I have something that I can do to help our town,
2 that's what I do.

3 CHAIRMAN RICKARD: Do any members have any
4 questions?

5 COMMISSIONER McLEOD: I guess, John, I like what
6 you have given us. What kind of a permit, do you need to
7 get an MRA use permit if it's opening a market, is that what
8 you need from us?

9 MR. RIPPY: That's what I need, an MRA use permit.
10 If I go by guidelines, this here don't make anything
11 permanent, at least that's what I'm thinking.

12 MR. STEEL: Let me answer that, Doug. Under the
13 Wailuku Redevelopment Area Zoning Code, where John's
14 property is is zoned commercially, and one of the permitted
15 uses is an open air market. So the only thing he needs is a
16 design review, and that's why he's passing out the look of
17 his buildings, and eventually will have a design of the
18 actual property, how it will be laid out and so forth.

19 John, correct me if I am wrong, but my

20 understanding is you came here to kind of get comments from
21 the members.

22 MR. RIPPY: That's what I came for, to get some
23 input so when I come in the next time it will be a little
24 more concise.

25 MR. STEEL: Just to let you know, John and I met a

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1 number of times. Joe was also consulted. He particularly
2 liked the idea of the facade arrangement, the kind of old
3 time facade, front that is common on many Wailuku buildings
4 as part of the design. He's also seen the board and batten
5 look on the side. So basically the design has informally
6 been discussed, and it's okay, short of John submitting a
7 formal application, which will also include the lot design
8 and layout.

9 CHAIRMAN RICKARD: Did Joe have any comment on
10 whether we have a problem with that being considered
11 temporary or non-permanent?

12 MR. STEEL: We brought that up, and he said that
13 the only way to know for sure is when it passes through the
14 Public Works. When we send it out for comment they may come
15 back and say it needs a building permit, or they may agree
16 that the wheels make it, the way that it's built and the way
17 that it's moveable, make it a temporary structure. But
18 that's a judgment call that will occur later down the road.

19 CHAIRMAN RICKARD: But he feels that it has a

20 chance of passing that way?

21 MR. STEEL: Yes.

22 COMMISSIONER POELMAN: John, as far as the

23 mobility of that, is the idea to keep it permanent even

24 though it has wheels, or would it be wheeled away when the

25 market is not open?

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1 MR. RIPPY: It would be wheeled away when the
2 market is not open. If I had to move them out, they would
3 be mobile. I mean if I had to move them I could move them.

4 CHAIRMAN RICKARD: Which would probably be a good
5 idea. With high winds or storm conditions I think you would
6 lock them up and move them someplace that's secure and not
7 flying all over the place. Anybody else have any comments,
8 any members of the commission? Okay, well, if no one else
9 has any comments, is there any public testimony or
10 questions?

11 MS. HALAS: My name is Susan Halas, I'm a Maui
12 resident. I'm here to speak in support of Mr. Rippy's
13 proposal, even though I haven't seen it, I haven't seen his
14 drawings. I generally find that the things that Mr. Rippy
15 undertakes are for the benefit of the community, and he does
16 put a great deal of his own energy and his own time and
17 money in it. Already that lot looks better than it has
18 looked in a long, long time. It looks very nice. And I
19 don't know what his -- I would love to be able to, could I

20 see it? I'm speaking on behalf of something I haven't seen,

21 but just on general terms that Mr. Rippy has --

22 CHAIRMAN RICKARD: There's no overall plan yet.

23 MS. HALAS: So we're talking conceptually. I'd

24 like to say that as an individual I support it, and that as

25 a member of the Wailuku Community Association, even though

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1 we haven't met or discussed it, I'm pretty sure that if we
2 wouldn't even discuss it we would be in favor of it. So I'd
3 ask you to look favorably on his efforts, and hopefully
4 there will be a meeting where he will come back and show us
5 in a little bit more detail where we can actually see what
6 it looks like.

7 Is it appropriate to ask now what his proposed
8 rent will be and what kinds of vendors he intends to have,
9 and the hours of operation, or any of that?

10 COMMISSIONER POELMAN: I don't think it's an
11 appropriate question for us. So I mean you can ask him
12 privately.

13 MS. HALAS: All he's coming here to do is design
14 review?

15 CHAIRMAN RICKARD: And right now it's just for
16 information only, he hasn't formally submitted.

17 MS. HALAS: Everything that he proposes is usually
18 for the benefit of this community, and I would like to speak
19 in support of it.

20 MR. KIM: Excuse me, ma'am, could you spell your

21 last name?

22 MS. HALAS: Halas, like George Halas, H-A-L-A-S.

23 CHAIRMAN RICKARD: Thank you. Any other public

24 testimony?

25 MS. PERREIRA: If you don't mind, I'd like to

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1 stand up. Thank you. Jocelyn Perreira, Wailuku Main Street
2 Association. I'm glad that he shared his conceptual idea
3 with you today. For informational purposes, as I stated
4 before, we would like to see a comprehensive packet. I
5 think that Mr. Rippy has been a very positive, dynamic
6 person in the community, and his heart is in the right place
7 for Wailuku, and we certainly would like to be a part of
8 supporting anything of this nature, should it receive all
9 the proper necessary reviews, so on and so forth.

10 However, I do hasten to add that aside from what
11 he's presented, which appears to be something very nice, I
12 do want to say that planners are not architects, and I am
13 very glad for us to have the opportunity to take a look at
14 it because of the fact -- not because of this particular
15 project, but there's other projects that have come forward
16 before the MRA in the past that had like facades that were
17 found not to be in keeping with Wailuku when you look at the
18 total concept. But then, again, that's stationery. His is
19 moveable, so that may create a different situation.

20 So I just would like to have the benefit of what
21 they think when you look at it, and how that affects the
22 overall flavor and character of the town. I'm sure that
23 there will be ways to work through something if there was a
24 problem. But it's not so much his project that I want to
25 bring to your attention, it's the precedent that can be set

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1 by other people wanting to come in and do projects like his
2 that may not be as carefully thought out and may not have
3 the firm footing that Mr. Rippy has.

4 The reason why I bring that to you for your
5 consideration is case in point, there are some street
6 vendors that are locating, some are on private property and
7 some are just along the street. So just I think it's
8 important when you discuss this issue, because it is a
9 moveable project, that perhaps you need to take that in the
10 broader context of what does this mean. Does this mean that
11 anybody else that wants to bring a moveable kiosk or what
12 have you can come in? And that's basically what I want to
13 say about that.

14 I'm sure we will look at his application and
15 probably will receive support from our organization as well,
16 but I do think that it's what this can open the door for
17 that would be an area that we would have concern over the
18 overall impact for the flavor and character of the town.
19 Thank you for this opportunity to offer testimony. And

20 thank you, John Rippy, for your taking the initiative to try

21 to do something very positive. Aloha.

22 MR. RIPPY: Thank you.

23 CHAIRMAN RICKARD: Yes?

24 MS. PALMER: Are you taking testimony on other

25 items?

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1 CHAIRMAN RICKARD: I'll open it up after this,
2 because I know we missed that in the beginning. Do any
3 other members have anything for Mr. Rippy?

4 COMMISSIONER McLEOD: I like this. I think that
5 generally John in a couple of months has done more than the
6 prior owners did in a couple of years there. I think that's
7 all good. I guess I'm also thinking about what Jocelyn
8 said, though. And we do have this taco stand on Main
9 Street, and I guess another fish taco place down on Market.
10 So I guess I mean the point is that we need to think how
11 these other people are being treated.

12 I was sort of looking at it. Whoever is actually
13 coming and following the process and coming to see us, we
14 want to make sure that we're treating these people in a way
15 that helps things happen in Wailuku and don't encourage
16 people to just skip the process totally.

17 CHAIRMAN RICKARD: I agree, and I think that is
18 the way we regulate it, is if they come through the process
19 to get the proper permits and everything else, we have some

20 say. But the ones that you mentioned, I've never heard of
21 anything coming through this agency regarding them.

22 MR. STEEL: I am going to address that.

23 CHAIRMAN RICKARD: That would be more of an
24 enforcement issue by the County, I would say. I mean we
25 don't have the enforcement arm, there's nothing we can do.

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1 If not, any other questions for Mr. Rippy? Thank you very
2 much. I would like to say, too, I do like the idea, and I
3 think you have done a lot to that property that hasn't been
4 done before. It looks a lot better.

5 MR. RIPPY: Thank you very much. It's just like
6 as far as other people coming into town and just doing
7 things, at least I'm coming through, and mine will be
8 sanctioned by you.

9 CHAIRMAN RICKARD: We appreciate that, we really
10 do.

11 MR. RIPPY: I think it's going to be nice. It's
12 going to cost me quite a bit. I just want to help out.
13 This town, you know, I can say one thing, I have been
14 treated real good by Wailuku, you know. And like any time I
15 can help out I'm going to help out. Thank you very much.

16 CHAIRMAN RICKARD: We appreciate that, thank you.
17 Before we go to the Manager's report, I'll open it up for
18 public testimony in general, because I know we skipped that
19 early on. So if there's anyone in the public that would

20 like to offer testimony on any of the matters.

21 MS. PALMER: Aloha, I'm Darla Palmer. I'm now a

22 special consultant to Maui On-Stage on their building and

23 lease issues. I've resigned as our Executive Director. I

24 think I heard you say that you are deferring discussion on

25 the mini-park until next week, next meeting.

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1 MR. STEEL: Next month.

2 MS. PALMER: So I am going to forward my comments
3 to you in writing. But as long as I'm here, I did want to
4 implore that you look at this plan and not isolate the Iao
5 Theatre building. To function as a theatre it needs a
6 loading dock. Currently we do have that capability. We
7 load in on the mini-park side through the double doors
8 closest to the stage. This plan totally isolates the
9 theatre.

10 Also, along that corridor is a fire lane, and
11 that's something to take into consideration. It's a very
12 large old building, it's a concern if there's a hazard
13 inside the building. Also, not showing on the plans is the
14 dumpsters that are currently located on that lot. Somebody
15 had asked how many people park in that lot, and I have been
16 counting in the last couple of days, and about 15 to 18
17 people park there daily, and that's usually employees. I
18 mean we know if you don't get there by 9:00 you don't get a
19 spot in that lot, because it's employees coming to work in

20 that area.

21 I would like to know what the purpose of the
22 mini-park is. It looks very beautiful, set up as an
23 amphitheater, which would certainly be a great enhancement
24 for the area. But as far as the technology in the plan,
25 it's not set up for any kind of even lunchtime performance

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1 as far as there's a planter behind so there's no working
2 space behind the mound. The lighting is not correct for
3 that type of use, and there's trees in the middle. So it
4 would be interesting to know exactly what it's supposed to
5 be used for. And if it's just a place for people to enjoy a
6 picnic, then what's the purpose of the grass stage area?

7 There's signs for police parking but there's no
8 driveway, there's no parking lot for police. Also, I want
9 you to note the landscaping along the Iao Theatre right now,
10 which is supposed to be maintained by the Parks Department,
11 and it's not. I'm calling them about once a month when it
12 gets so high I can see it through my office window. So I
13 think landscaping and maintenance and a plan for that is
14 really important. We do have transients living in that
15 parking lot, and it looks like in this plan that mini-park
16 is even further isolated, so that's a concern as well.

17 But I wanted to leave you with the main thing, and
18 that is not isolating that Iao Theatre building. It needs a
19 loading dock. We tried to address that when the parking lot

20 behind was paved. There is a solution that Wayne and I
21 talked about, and I will follow up in writing with you
22 folks. But people load in grand pianos into the Iao
23 Theatre, huge heavy pieces of equipment. And if there's no
24 way to get it in, you are eliminating those uses of the
25 theatre. Thank you for your time.

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1 CHAIRMAN RICKARD: Thank you. Do members have any
2 questions?

3 COMMISSIONER KAWAHARA: I do. Who was the
4 consultant on this, the park?

5 CHAIRMAN RICKARD: Tanaka.

6 MR. STEEL: Tanaka.

7 COMMISSIONER KAWAHARA: Did they develop this
8 until isolation, did they talk to the theatre?

9 CHAIRMAN RICKARD: I think it's based on an older
10 plan.

11 COMMISSIONER KAWAHARA: So the plan you are
12 referring to is which plan? Because I haven't seen any
13 plan.

14 MS. PALMER: I just got plans from Carla a couple
15 of days ago. I have the original plans for the mini-park,
16 and we did address this with the Parks Department from the
17 original plans about not cutting off the theatre.

18 COMMISSIONER KAWAHARA: So that plan that you are
19 referring to, was that the one that was going to be

20 discussed at today's meeting?

21 CHAIRMAN RICKARD: From Carla we expected that

22 plan.

23 COMMISSIONER KAWAHARA: I don't understand why the

24 designer didn't take those things into consideration. Maybe

25 he should do that before he makes his presentation next

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1 month.

2 CHAIRMAN RICKARD: That would be somebody from the
3 County Parks Department.

4 MR. STEEL: Just to let you know, Ron, what Carla
5 has talked about in reference to the loading and the
6 parking, I've already taken that up with Carla and she will
7 address those things when they come this next time.

8 So just to let you know too, Darla, the things
9 that you mentioned I told directly to Carla, so she's very
10 glad to have that feedback.

11 MS. PALMER: They've been very responsive, so I
12 will follow up and send her a copy of my list, and hopefully
13 we can work it out.

14 CHAIRMAN RICKARD: Any other questions?

15 MS. PALMER: Thank you.

16 MS. HALAS: Susan Halas again, area resident. I'd
17 also like to speak in support of Darla's comments. As a
18 person who has attended meetings on this park for many
19 years, I'd like to remind the Commissioners, who maybe were

20 not members of the Commission or not privy to the prior
21 discussions, that over the years many of the members of the
22 community have totally opposed this park as not desired by
23 the residents, not desired by the theatre, not desired by
24 the merchants, not desired by the people who are parking,
25 not desired by the Police Department, not desired by anyone.

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1 Somehow a planning decision that is somehow making its way,
2 where so many things that we do want, as Darla mentioned,
3 like the landscape maintenance or just the bottles, the
4 trash, or a place for the theatre to be able to load their
5 equipment, those are things we would like to have.

6 We do not need a place for people to sit and drink
7 alcohol or to sleep on the benches, and we do not need --
8 Wailuku is coming a long way, but there are plenty of things
9 that we need a lot more than a park. So if we could put the
10 park on hold, we could keep some parking lots, some loading
11 zones, some functional use. If it could be as Mr. Rippy
12 shows us, that just laying down some gravel and adding a
13 fence, and one man and one person's talent can make in 90
14 days a dramatic difference in how our neighborhood looks.

15 We never wanted a mini-park. We never asked for a
16 mini-park. It isn't what we want, it's not what anybody
17 wants. So if that could somehow die and we could have some
18 of the things that Darla mentioned happen, I think that you
19 would find a lot of support for that. I see Ron nodding his

20 head. If he wants to go back and look at some of the prior
21 minutes where meetings were better attended you will see how
22 many people spoke against it over and over and over, and
23 we're still speaking against it. So please, kill the
24 mini-park. Die, go away. Okay, I have spoken.
25 CHAIRMAN RICKARD: Thank you.

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1 MS. PERREIRA: Jocelyn Perreira, Tri-Isle Main

2 Street center.

3 (Cell phone rings).

4 I'm terribly sorry. I'm going to speak to just

5 the opposite of what you just heard, because it is a well

6 documented fact of the community's involvement and strong

7 support of this. Furthermore, it has gone through

8 extensive, rigorous processes in not only the Maui

9 Redevelopment Agency but before the County Council, so on

10 and so forth. That it will be proven to be well documented

11 that this is something that has been supported and long

12 awaited for.

13 Certainly the theatre may have a special need that

14 has to be looked into so that they can get something in and

15 out of the theatre. However, the mini-park has always been

16 in the plan. I suggest you look at the Iao Theatre

17 taskforce report that supports that. That you look at the

18 Wailuku beautification streetscape plan. That you look at

19 other documents that support exactly what I'm saying right

20 now, along with minutes of a vast majority of meetings, and

21 so on and so forth.

22 So we would like to say definitely that this

23 mini-park is something that has been long awaited, and one

24 of the reasons why it originated that way was because when

25 the theatre is having a function the kids that couldn't get

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1 into the function would still be able to have a place to do
2 their passive park activities and families would. And
3 there's a whole different list of dynamics that could bring
4 a very positive contribution to the town, not the least of
5 which it will be the only open, once everything is built up,
6 it will be the only green space in the entire town, and that
7 was one of the strong reasons. And we will be happy to
8 supply that information for you as well. Aloha.

9 CHAIRMAN RICKARD: Thank you. Do members have
10 anything else? Seeing no further testimony, we will move on
11 to item G, the Manager's report.

12 MR. STEEL: You may have seen a spread sheet on
13 the table there, and also it's been distributed to you folks
14 in your packets. Just an updated progress report of sorts.
15 Kind of the stats that relate to it is that we have some 33
16 projects listed in the Wailuku Redevelopment Plan. 15 of
17 them have been completed. I believe 13 of them are ongoing,
18 and there's another 5 or so that are kind of back burner
19 because they're related sequentially to ones that are

20 ongoing. And there are a couple of them there that I have
21 been advised are maybe more than what we want to take on,
22 one of those being the realignment of Holoa Street for fire
23 protection.

24 I just met with John Summers this last week to
25 kind of get a more clear idea of what some of those things

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1 are. One was pointed out, he described it as a real kettle
2 of worms, so I'm not sure we are going to take that on quite
3 yet until I find out what that really entails. Are there
4 any questions about the spread sheet or the notes that I
5 have made on it? I'll be happy to answer any questions.
6 Otherwise, I have some highlights that I want to go through.
7 Any questions?

8 Regarding the municipal parking lot, I put that in
9 the Mayor's budget in a number of different ways, one of
10 which was in its CIP budget. It's a capital improvement
11 project. And that's typically a six year project that gets
12 implemented with various stages of planning and construction
13 drawings and planning construction.

14 I was notified by the Mayor, actually the budget
15 director's assistant, that they're not going to include that
16 in this year's CIP projects. However, we still have
17 \$200,000 in the Mayor's budget. Actually, in the MRA budget
18 that I submitted for planning the parking lot, it's just not
19 in the form of a CIP project. Typically a CIP project would

20 go from start to end and have dollar amounts for every phase
21 of the project.

22 When I spoke with the Mayor last, the impression I
23 got is that she's very busy with organizing her new
24 administration. And I had the thought, and much like what
25 Jocelyn has been saying all along, that if we can get the

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1 people in the room who actually had a say so about this,
2 rather than having the MRA approach the Council and the
3 Council approach the Mayor, and this coming from an
4 outsider, that being of a mediation background I tend to
5 want to have everybody who is going to have something to say
6 about it have the opportunity to say it all at one time.

7 So I wrote an email to the managing director
8 suggesting that a blue ribbon commission or committee,
9 however you want to describe it, taskforce, be assembled to
10 address this project. That it had been going on for
11 decades. That they had master plans, we had all sorts of
12 analysis, we have a lot of money that has been spent on
13 this, and that I felt that if we got the representatives of
14 the Finance Department, the Planning Department, Public
15 Works, a representative of the Mayor, and the Council member
16 who is in charge of the Public Works Commission -- or not
17 the Commission but the Public Works Committee in the County
18 Council, the Wailuku Main Street Association, a member of
19 this body all in the same room, that the thing could be

20 worked out in a far more expeditious manner than what's
21 happened so far, which is a lot of studies with very little
22 movement.

23 The response I got was, "We will consider that
24 along with other methods as soon as we're up to speed with
25 creating our administration and our 63 new employees," and

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1 so on. So I just wanted to inform you that I took that
2 step.

3 During the last two weeks I was approached by the
4 owner of the old Shell station, who in a prior meeting had
5 brought to me a 9-story combination
6 retail/residential/condominium development. He had been
7 cited by the enforcement division of planning for his fence,
8 which is chain link, and for his prohibited use of that
9 property, and he asked me what he could do about that. And
10 not knowing what he could do about it, I proceeded to go
11 about finding out what he could do about it.

12 So I just recently met with the Zoning
13 Administration and Enforcement Division administrator, Aaron
14 Shinmoto, and I was a little bit surprised by the fact that
15 they had expected the MRA as part of the transition that we
16 all heard about to take on enforcement duties. That the MRA
17 would eventually have not only a planning function, but
18 would also enforce the Wailuku Redevelopment Area Zoning
19 Development Code as well as the design guidelines. So it

20 was a very productive meeting.

21 The outcome of that meeting was I think a much

22 broader understanding of what enforcement actually entails,

23 and a recommendation to meet with Jeff Hunt, the new

24 planning director, to kind of explore the idea that it is

25 still being housed in the Planning Department. That

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1 eventually the Maui Redevelopment Agency will take on these
2 types of functions.

3 As I looked through the County Code and I looked
4 through the HRS 53 and our redevelopment plan, there is no
5 reference to the MRA taking on any sort of enforcement
6 function. In fact, the County Code specifically designated
7 that as a Public Works function, so does our zoning code.
8 It also quotes a particular County Code section that assigns
9 that authority to the Public Works Department.

10 We will be meeting, Jeff Hunt and I, and Colleen
11 Suyama, about that particular issue, along with other issues
12 having to do with the transition that I guess was instituted
13 a couple of years ago. Any questions about that?

14 Just one last thing about that is that because the
15 zoning enforcement guys basically work in a vacuum in
16 Wailuku and everywhere on the island, meaning that they
17 don't have any way to -- we are kind of the carrot, we're
18 one-half of the equation in that we process applications to
19 do certain things, and those are the guys that say whether

20 or not you're violating the code.

21 So once they site somebody they also give them a

22 notice that a fine is going to be levied on them, \$1,000,

23 and then \$100 a day. But what they really want is for

24 conformance, rather than trying to go to Corp Counsel and

25 push collecting the fines.

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1 So what we kind of worked out was that we'd work
2 together. For instance, we would encourage the owner of the
3 Super Shell property to come and see the Maui Redevelopment
4 Agency and request a variance for their use, for instance.
5 Or request a waiver of the design guideline in certain cases
6 that they were in violation of. Then if we could work with
7 those owners to either remedy their situation or give them
8 an opportunity to ask for what they'd like to do, then it
9 would assist the enforcement people.

10 So that's kind of what we worked out, and
11 Mr. Morton will be coming to the MRA for a request for a
12 variance on the use of that property. Because his use, even
13 though it's the same use as Jonathan Starr's use and is
14 prohibited by the 2002 code, Jonathan was grandfathered in
15 because he was doing it prior to Mr. Morton, who started his
16 use after the code was instituted.

17 So that was another thing I learned, is that the
18 way that the zoning enforcement actually is carried out is
19 that a prior use, even though it's now prohibited, is

20 allowed to maintain itself as long as it does not go out of
21 business in more than 12 months. That's part of their
22 administrative rules. Any questions about that?

23 COMMISSIONER POELMAN: As far as our enforcement,
24 I'm not sure who would do it, but is it in our code that --

25 MR. STEEL: In this code, the Wailuku

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1 Redevelopment Area Zoning and Redevelopment Code, there is a
2 section that specifically says that enforcement will be
3 carried out according to Title 19. And I can't quote you
4 the section right now, but -- no, here it is.

5 "Enforcement: Any approval or permit issued
6 pursuant to the provisions of this title shall comply with
7 all applicable requirements of this article. Enforcement of
8 the provisions of this article shall occur pursuant to the
9 provisions of the Maui County Code Chapter 19.530 as
10 amended." That particular section talks about Public Works
11 and how they're tasked with enforcement. So the MRA has
12 absolutely no legal authority to do any sort of enforcement
13 action.

14 COMMISSIONER POELMAN: And Public Works has the
15 responsibility?

16 MR. STEEL: Public Works does whatever the County
17 Code is lacking behind. So they've been given the task to
18 rewrite the County Code to include the Planning Department,
19 which now does the enforcement according to the

20 administrative rules that were worked out between Public

21 Works and Planning. So in actual fact, the Planning

22 Department is the zoning enforcement, even though the County

23 Code still lags that decision.

24 COMMISSIONER POELMAN: And you're saying that the

25 Planning Department, who is the actual enforcer, is looking

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1 to the MRA to enforce?

2 MR. STEEL: That was their understanding, that
3 eventually the MRA, along with the other planning functions,
4 would take on enforcement.

5 COMMISSIONER POELMAN: When I have seen the
6 Planning Department undertake enforcement, other than a
7 notice of violation, it actually goes to a hearing or that
8 process, they also involve a Deputy Corporation Counsel who
9 is assigned.

10 MR. STEEL: There is an appeal procedure. If
11 someone decides that they were cited unjustly, they can go
12 to the Board of Variances and Appeals. If not, then it goes
13 to Corp Counsel.

14 COMMISSIONER POELMAN: Well, they can't collect
15 until they get an order. I mean they give the Notice of
16 Violation, but there's nothing that is actually a judgment
17 or could be recorded.

18 MR. STEEL: There's a first warning, and it's
19 given either in person or by certified mail. Then there's a

20 second warning. There's actually a notice that's telling
21 them, "Here is your fine. This is when you have to pay it.
22 This is your last day for compliance. If you want to appeal
23 it you have 30 days."

24 According to Mr. Arakawa, once that notice is
25 given, that second warning, then they're libel for the

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1 fines.

2 COMMISSIONER POELMAN: I don't know, I guess I've
3 always appealed.

4 CHAIRMAN RICKARD: Do you have any insight on
5 that?

6 MR. KIM: What Wayne said. The administrative
7 appeal, once you get your Notice of Violation you have 30
8 days. So most landowners if they have a lawyer will not
9 ignore it and will file an appeal with the BVA. At that
10 point the BVA will decide whether or not there should be a
11 violation, or whether or not they're being relieved, they
12 will be granted a variance. If that doesn't happen, then
13 they'll say either correct it, take it down, or stop doing
14 what you're doing. If you continue, then they get jammed.
15 Then we take it to court and ask for a judgment.

16 If the guys just do not file, what I've seen
17 happen is we just take it to court and have the court try to
18 get us an order for enforcement, have them cease and desist,
19 and then collect our fine. Usually that brings the owner

20 with another lawyer to the table, and we will discuss

21 settlement.

22 COMMISSIONER McLEOD: I guess this is all pretty

23 hypothetical. I think we're all saying enforcement is not

24 where we're at today. My only other comment on this, Wayne,

25 I want to make sure we are not sending a signal that this

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1 kind of a variance would be something that is a slam dunk.

2 I don't know if people will come up and testify
3 about that or not, but I just don't want us taking a side of
4 sort of representing these people in the enforcement thing,
5 and saying the MRA doesn't think this is a violation or
6 something.

7 MR. STEEL: I take no position in terms of
8 representing that the MRA is in favor of this permitted use.
9 My comment to Mr. Morton was that this code was written with
10 very specific -- very specifically, and it excludes that
11 particular business. And if he's going to want to fight to
12 have that use on that property he's going to have to come up
13 with some very compelling reasons.

14 The criteria and the variances are listed in the
15 code, and those are the things that he should consider when
16 making his arguments. And if he comes up with compelling
17 enough arguments for us to consider giving him the variance,
18 then so be it. I can't deny him his day in court, but I
19 wanted him to really consider seriously that this code

20 really does deliberately prohibit that business.

21 COMMISSIONER POELMAN: The comment I have on how

22 you presented that to Wayne is maybe it's from a mediation

23 background, but I would be much more inclined to say that

24 we're serious about enforcement or whoever is in charge of

25 enforcement, because there's already the impression in a lot

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1 of the community, that these notices of violations, in the
2 end they can always be negotiated down. And there's not
3 that much teeth behind them.

4 So if you start with the first impression, well,
5 we'd rather work this out, it seems like the only teeth you
6 have would be taken out of the document completely if you
7 just say let's work this out. I agree with you trying to
8 work it out, but I wouldn't soft pedal the threat of the
9 violations and the fines and penalty if it's the only thing
10 we actually have to get some cooperation.

11 MR. STEEL: In the end I've told them you are just
12 going to have to pay your fines if you think it's worth it.
13 To try to come before the MRA, then it's up to you. So
14 we'll explore more on that as time goes on.

15 As far as the taco stand you were talking about,
16 Doug, this was another subject that we talked about.
17 Basically their perspective is they'd rather have it not go
18 to appeal. They'd rather have it not go to Corp Counsel,
19 because it's a long process. They'd much rather have as

20 much as possible the people comply or go through the process

21 to either comply or not be allowed.

22 So my communication with Mr. Arakawa is we'd be

23 happy to work with you. Let us know when you are going to

24 cite somebody, and tell them come over and see us so they

25 can go through the process, rather than him feeling like

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1 he's operating in a vacuum. That there's kind of a carrot
2 and a stick available, and there's an opportunity here. We
3 have got the power to have people come before us and ask for
4 permission to do the kind of business that they want, but if
5 we work with them more closely then we can get some
6 communication going.

7 Mr. Arakawa is of the opinion that if you guys are
8 willing to consider or at least have him in the process we
9 will back off of him so that you can get the compliance
10 going, rather than just site him and walk away and expect
11 that to do the job. So that was their general attitude. I
12 like that, I think that's a worthwhile attitude that we work
13 together.

14 CHAIRMAN RICKARD: I think we should work
15 together, but I don't think we should back off. They're not
16 citing him, and nobody is going to.

17 MR. STEEL: For instance, the taco stand. He came
18 to us and met with Joe and I and said, yeah, I want to put
19 together a design for this place. And I know the fence is

20 the wrong height and it's chain link, and this is the
21 design, and he talked with us. So it was more like, okay,
22 we are going to give him some time, rather than having him
23 cited right off the bat. That was kind of the attitude we
24 were interested in promoting, is not to discourage people,
25 but when the time comes and he's taking too long, that's

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1 what we talked about as well. It's been a couple of months,
2 so maybe you should give him his first warning, and that's
3 going to push him towards getting his application together.

4 CHAIRMAN RICKARD: When I said that, I mean in the
5 first warning, rather than just waiting for him to talk to
6 us, in that first warning when they get the warning maybe
7 that should be in there, that that's an option, to talk to
8 the MRA. I don't think we should back off. If they're
9 waiting to push these guys, why don't you go talk to the
10 MRA. They won't do anything.

11 MR. STEEL: They're just saying if we communicate
12 with them and we're moving in the right direction they're
13 willing to work with us in a more friendly kind of way.

14 The Market beautification plan from Public Works,
15 the engineer on that plan is Joe Kruger. I checked up on
16 him and he said that, well, this is an extensive plan to
17 remodel basically Market Street. And the beautification
18 plan has been in the works for maybe ten years.

19 When he went out to bid, the bids that he got back

20 were so high that they decided that they're now in the
21 process of deciding whether or not to amend the plan,
22 meaning kind of take some of the cost items out of it or
23 re-bid the project. They hadn't decided which ones to do
24 yet, and that's where they're at with it. So that's kind of
25 been pushed back from where it would be if they had accepted

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1 a bid and were going forward with it.

2 The cash-in-lieu ordinance that was put together,
3 that was in with the budget director, dependant upon the
4 updating of the master plan for parking that was originally
5 done back in 2004 so we could get appropriate figures to
6 attach to the price of a parking space. John Summers
7 informed me that he was unable to get to that, which was a
8 contract amendment that we approved a few months ago for him
9 to spend on updating that master plan. So he's going to
10 forward that to me saying that he would like me to go ahead
11 and put in a verbiage that would update the contract and go
12 forward with that project, because he doesn't have time to
13 do it. So that's something we will be taking on.

14 CHAIRMAN RICKARD: Before we go on to item two, is
15 there any public testimony regarding the updates in the
16 Manager's report? Robert.

17 MR. KIMURA: My name is Robert A. Kimura. I
18 attend your meetings because I'm very interested in the
19 improvements of Wailuku. I'm not working for myself, so to

20 speak, yeah. And I am concerned and I attend your meetings
21 because I want to know what's going on and where I can help.
22 Now, to cut my presentation short, and within the use of
23 your valuable time, I would say that in the past meeting
24 there was a question as to what is the importance of the
25 MRA. Now I think the idea of MRA came about as a state law

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1 because there was a definite need for it. Now, I wish
2 somebody could find out what the need was to begin with to
3 understand as to how and why the MRA came into existence.
4 Because to become a state law, I know for a fact that it has
5 to be important enough, see. So if someone could find out
6 the history of the beginning and the reason for it.

7 The other thing that my concept carries me on, I
8 don't know what the history is, but the point still remains
9 what does MRA stand for. You see, the way I see it there's
10 a Planning Department, and the MRA has the responsibility to
11 work with the properties that cannot be worked with the new
12 laws, Planning Department laws. That's why before you
13 people came on board there were quite a few applicants
14 asking for MRA permission where the regular existing
15 Planning Department cannot exceed to and give permission for
16 the painting or construction or review. That's why MRA's
17 mission is, in simple form, to rehabilitate the old and
18 bring it up to usable.

19 In other words, an example is the square footage

20 of a business property. The Planning Department itself
21 cannot give enough authorization for the person that was
22 asking to use that business property to rebuild it. But MRA
23 is a controlling factor, "Yes, you can rehabilitate your
24 place."

25 CHAIRMAN RICKARD: Robert, three minutes.

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1 MR. KIMURA: Anyway, the concept I wanted to put
2 across to you people is how did MRA come about, the history
3 of MRA, the importance of it. And MRA takes care of the
4 old. The new Planning Department, the existing Planning
5 Department takes care of requirements in planning. The MRA
6 works with the existing Planning Department to take care of
7 the old and rehabilitating situation.

8 So do you see a picture? That's all I wanted to
9 put across. If I'm wrong, tell me so.

10 CHAIRMAN RICKARD: Thank you very much, Robert.

11 MR. KIMURA: Thank you very much for the extra
12 time.

13 CHAIRMAN RICKARD: Jocelyn.

14 MS. PERREIRA: Jocelyn Perreira. Very briefly I'd
15 like to echo support for what Commissioner McLeod said, as
16 well as Chairman Rickard on both the uses and the
17 enforcement. The County Council had an extensive discussion
18 with the Planning Department on TVR's yesterday, and one of
19 the things that came out was this administration was taking

20 steps to try to support enforcement so that laws are -- so
21 everybody is in compliance. So that was good suggestions
22 that Commissioner Rickard had and also Commissioner McLeod.

23 This graph, I wanted to point out just a few
24 things, because I don't want this to go down to the Council
25 and they will get confused. I do believe that LCU, the

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1 mini-park, that has had broad-based public support. It's
2 ongoing. The LU4, forward projects for review by outside
3 organizations is ongoing, it's not completed. The adoption
4 of LU6, adopt small town code, I believe we were waiting for
5 roadway standards, and that was supposed to come from the
6 Public Works before we adopted the final small town code.

7 UDB6, provide design reviews and recommendations,
8 I believe that's ongoing instead of completed. Review and
9 approve new construction and renovation on structures, I
10 believe that's also ongoing. Next page, events such as the
11 festivals and farmers markets, I do believe that is also
12 ongoing and not completed. MD5, develop walking historical
13 tour, Maui Historic Society I know had expressed a request
14 to be participating with that, and that's what we know it to
15 be.

16 So hopefully that helps clear up the status so
17 that there isn't confusion. We have some new Council
18 members, and I think we have to take a little bit of pains
19 to make sure that we have it crystal clear so that they're

20 not confused. Thank you.

21 CHAIRMAN RICKARD: Miss Halas.

22 MS. HALAS: This is Susan Halas again, in my

23 commercial realtor hat. I have had a number of different

24 discussions Mr. Morton. I also appreciate Mr. Steel's

25 willingness to work with various people in the community to

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1 advise them of what the role of this organization is. But
2 unlike some of the people who see Mr. Steel, Mr. Morton is
3 not only a sophisticated real estate investor, he was on the
4 list of commercial real estate brokers last year. He was
5 right up there at the top. So he is a person who knows the
6 meaning of due diligence, he's well aware that his present
7 use is not in conformance.

8 And even though we would like to extend every
9 courtesy and every ability for people to work within the
10 system, there's a difference between a small guy who wants
11 to open a taco stand or make use of a little independent
12 kiosk, and a person who has millions of dollars at risk and
13 who has a profession as a real estate investor, and who is
14 well aware of the rules and regulations of this county, and
15 who deliberately and flagrantly does not choose to comply
16 with them. And in fact, who intends to -- I think the next
17 time he comes before you, I think he plans to show you plans
18 for a 12 story building on that site.

19 So in all, it's really helpful for you to talk

20 with people, but if you could make some kind of a
21 distinction between the small people who really don't
22 understand and want to do something good for our
23 neighborhood, and the big people who want to use you to get
24 them through it, would be a big help, because he's a big
25 one. He bought it very recently. He knew those rules were

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1 in effect. He knew his uses were illegal. And the reason
2 he moved his business out of there is because he knew it was
3 not in compliance. Also, he got a better deal someplace
4 else.

5 Just a comment, yes, please help the people, but
6 do not ease the rules. Especially do not ease the rules for
7 people who can well afford to comply with them, and knew
8 that they should from day one. Thank you.

9 CHAIRMAN RICKARD: Thank you.

10 MR. STEEL: I want to say one last thing. The
11 mini-park, the reason why I put in that it needs public
12 support is because Parks has a number of different projects,
13 and Carla put this into their project list, but the
14 administration of the Parks Department decided that that was
15 not a high enough priority for all the projects they were
16 submitting to be funded. The amount that she attached to
17 that project was \$500,000. It will be put on hold until the
18 next budget season, unless there is sufficient public outcry
19 or interest to have the Mayor put it back into her budget,

20 and that's why I put in that it needs public support.

21 MS. PERREIRA: I would just say it's ongoing,

22 otherwise it gives a false impression of the reality.

23 CHAIRMAN RICKARD: I know you're asking for

24 executive session. Can we hear the reasons?

25 MR. STEEL: It has to do with legal issues. John

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1 and I went over the exact item in Chapter 92 that authorizes
2 a particular executive session and why. Do you remember the
3 exact section, John?

4 MR. KIM: 92-5 of the Hawaii Revised Statutes.

5 MR. STEEL: Discussing legal issues surrounding
6 the agency.

7 CHAIRMAN RICKARD: All right. Can I have a
8 motion? The manager is requesting us to do this in
9 executive session.

10 MR. KIM: To discuss legal duties with your
11 Corporation Counsel.

12 MR. KIMURA: Mr. Chair, excuse me, two points.

13 CHAIRMAN RICKARD: I'm sorry, Robert.

14 MR. KIMURA: I'll wait for the next meeting.

15 CHAIRMAN RICKARD: Thank you. May I have a motion
16 to move into executive session?

17 COMMISSIONER POELMAN: To discuss legal issues, is
18 that what it is with the Corp Counsel, surrounding the MRA.
19 Is that a sufficient notice or do we have to explain why

20 we're going into executive session?

21 MR. KIM: I think what Mr. Steel wants to discuss

22 is the duties and responsibilities, the legal duties and

23 responsibilities under the MRA. So I believe that's

24 sufficient notice.

25 COMMISSIONER McLEOD: I'm willing to second the

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1 motion that we go into executive session.

2 COMMISSIONER POELMAN: Let me make a motion.

3 COMMISSIONER McLEOD: I'm sorry. I move that we

4 go into executive session to have attorney/client privileged

5 discussions with our Counsel regarding certain legal issues

6 related to the MRA.

7 COMMISSIONER POELMAN: Second.

8 CHAIRMAN RICKARD: All in favor?

9 (A chorus of ayes).

10 We will move into executive session. We are going

11 to have to ask the public to please leave. And we are going

12 to take a five minute recess before we start the executive

13 session.

14 (Whereupon a brief recess was had)

15 (Whereupon the board went into executive session).

16 CHAIRMAN RICKARD: Okay, we are out of executive

17 session.

18 MR. KIM: You are going to discuss I guess the

19 next meeting and where you want it to be.

20 CHAIRMAN RICKARD: First on the agenda I guess

21 with the agenda items we are going to put on the municipal

22 parking lot on the agenda to discuss I guess the fate of PC1

23 and how we go forward from there.

24 MR. STEEL: PC1 as an agenda item?

25 CHAIRMAN RICKARD: PC1 was the officially adopted

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1 one.

2 MR. KIM: What I suggest you do is have staff
3 write to the administration and see what the administration,
4 this administration will support, whether it will be PC1 or
5 if they would rather see a multi-use structure, and making
6 sure they realize that there has to be a declared public
7 purpose under 53-9.

8 COMMISSIONER McLEOD: If someone has taken the
9 time to sit down and talk to us, I feel kind of stupid if I
10 write them a letter and ask them all the same questions.

11 MR. KIM: I'm just asking you to do it so that way
12 you have something in writing, and therefore it's not like
13 it's a done deal and it is open for discussion. But that's
14 my suggestion.

15 COMMISSIONER KAWAHARA: We can seek support from
16 other agencies, like the Maui Economic Development Board. I
17 sit on that board and I'm on their executive committee. So
18 why don't we have them try to help us? I mean they're
19 mostly high tech, but this is still economic development.

20 What's the harm? Why don't you do an informal call to

21 Jeanne Skog.

22 MR. STEEL: I'll follow through with what I

23 thought originally, to get the Mayor to commit what she

24 likes for support. Because you can drum up all kinds of

25 support, and if we get something to present that this is

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1 what the Mayor will back, I think it's a slam dunk. But
2 without that I think we're dreaming.

3 COMMISSIONER POELMAN: I think we have got to put
4 it on the agenda and talk about it the next time.

5 MR. KIM: The other tack is to invite the director
6 of OED and ask her straight up with respect to economic
7 development and how they feel about PC1 or a multi-use
8 structure.

9 COMMISSIONER KAWAHARA: And that spread sheet you
10 did on the status of the projects under the MRA, this sheet,
11 I think you should just put that on the agenda and give us a
12 status update and say no change from prior report. Just say
13 no change. That keeps us focused on really what we're
14 about.

15 CHAIRMAN RICKARD: It's all open to discussion at
16 that point.

17 COMMISSIONER KAWAHARA: But no change can be part
18 of your manager's report.

19 COMMISSIONER POELMAN: My suggestion on the

- 20 agenda, I noticed today, Wayne, like under projects update
- 21 we talked about the project updates in the Wailuku
- 22 Redevelopment Plan, we also talked about enforcement, we
- 23 talked about the Maui taco stand, we talked about the Maui
- 24 Shell station, we talked about the Market Street
- 25 beautification bids, we talked about cash in lieu of parking

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1 ordinances, we talked about different things. And my
2 preference would be that the agenda items be named and
3 itemized so that it's not just a Carte Blanche brainstorm
4 session. Let us know, let the public know what is going to
5 be discussed as part of your thing. I mean I agree 100
6 percent that you should put whatever on the agenda you want,
7 but it should be on the agenda. That's the only suggestion
8 I want to strongly make.

9 The other thing I want to add to the agenda on
10 next month's is that we have goals and objectives of the
11 MRA, or something discussed regarding what is our mission.

12 COMMISSIONER KAWAHARA: We have that, it was
13 adopted.

14 COMMISSIONER POELMAN: I want that on the agenda,
15 as we were talking in the executive session, where are we
16 headed, what do we want to do, where do we see this
17 organization, what's its role. So the goals and objectives
18 of the MRA.

19 MR. KIM: Site for the meetings.

20 CHAIRMAN RICKARD: Do you want to keep the
21 meetings here or would you like to move back to the Planning
22 Department?

23 MR. KIM: The reason being because planning does
24 have a long-range schedule where they will reserve the Kukui
25 room for you, and if you give it up now it may not be

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1 available if you have a bigger meeting.

2 COMMISSIONER POELMAN: To me, that one is easier
3 just because of the parking, because I'm afraid when I leave
4 today I am going to have a parking ticket.

5 COMMISSIONER McLEOD: I have a slight preference
6 for it the same as you do, the Planning Department building.
7 Not a strong preference, but a slight preference.

8 CHAIRMAN RICKARD: So no objection to moving it
9 back to planning?

10 MR. STEEL: Back to planning, yes.

11 CHAIRMAN RICKARD: Other than that, any agenda
12 items let Wayne know. And the next meeting is March 16th.
13 Meeting adjourned.

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15 (The proceedings were concluded at 3:10 p.m.)

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1 CERTIFICATION

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3 I, JEANNETTE W. IWADO, Notary Public for the State of

4 Hawaii, certify:

5 That the proceedings contained herein were taken by

6 me in machine shorthand and were thereafter reduced to print

7 under my supervision by means of computer-aided

8 transcription; that the foregoing represents, to the best of

9 my ability, a true and accurate transcript of the

10 proceedings had in the foregoing matter.

11

12 Dated the 27th day of February, 2007

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NOTARY PUBLIC, State of Hawaii

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My commission expires 2/5/08

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